UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CARMEN POWELL

Plaintiff,

vs.

CITY OF CHULA VISTA, et. al.,

Defendants.

Civil No. 07CV1836 JAH (JMA)

ORDER STRIKING MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT AND MOTION FOR HEARING REGARDING FILING JUVENILE RECORDS UNDER SEAL [DOC. NO. 65]

On August 18, 2008, Plaintiff, who is appearing in this matter *pro se*, filed a request for leave to file a second amended complaint[1] along with a request for a hearing date to obtain authorization to file juvenile records under seal. Doc. No. 65. The motion is comprised of a single sentence: "Plaintiff request [sic] leave of the Court to file a second amended complaint and she is also requesting and [sic] ex parte hearing to be set to seek approval to file juvenile records under seal." The motion also attaches the second amended complaint she seeks leave to file.

Pursuant to Civil Local Rule 7.1, "Each motion or other request for ruling by the court shall be accompanied by a separate motion and notice of motion and another separate document captioned "Memorandum of Points and Authorities in support of [the motion]." Civ. LR 7.1(f)(1). In addition, the moving party is required to obtain a hearing date from

[1]Amendments to pleadings are governed by Federal Rule of Civil Procedure 15, which provides that after a responsive pleading has been filed "a party may amend its pleading only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(2).

the clerk of the judge to whom the case is assigned. Civ. L.R.7.1(c). Hearing dates are generally obtained by telephoning the judge's chambers directly. Here, Plaintiff has not attached a separate Memorandum of Points and Authorities in support of her motion to file a second amended complaint, nor has Plaintiff telephoned Judge Houston's law clerk to obtain a hearing date. Accordingly, Plaintiff has not complied with the local rules for filing a motion for leave to file a second amended complaint.

Plaintiff has also requested that the Court schedule an *ex parte* hearing so that she may seek approval to file juvenile records under seal. Pursuant to Civil Local Rule 79.2(c), a party who seeks to file documents under seal must obtain permission from the Court to file said material under seal. As this Court has previously advised Plaintiff, requests to file documents under seal are properly made via a separate *ex parte* application attached to the documents she wants sealed. See Doc. Nos. 5, 43 and 63 (advising Plaintiff of the procedures for filing documents under seal). A hearing is not required to have documents filed under seal. Here, Plaintiff has failed to submit the material she wants filed under seal along with a separate application to file the material under seal, and thus has failed to comply with the local rules and the Court's prior orders.

Accordingly, for the reasons stated above, **IT IS HEREBY ORDERED** that the Clerk of the Court shall **STRIKE** Plaintiff's motion for leave to file second amended complaint, and motion for *ex parte* hearing for approval to file juvenile records under seal, along with the second amended complaint attached thereto (Doc. No. 65) from the docket. Plaintiff is advised that any future requests of the Court should be in the proper form and shall comply with all applicable rules of the Federal Rules of Civil Procedure and the Civil Local Rules for the United States District Court for the Southern District of California. See Fed. R. Civ. P. 7; Civ. LR 7.1. Future failure to comply with the applicable rules, or order of this Court, may result in dismissal of this action. See Fed. R. Civ. P. 41, Civ. LR 41.1.

DATED: August 18, 2008

JOHN A. HOUSTON
United States District Judge